

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

FAIR ISAAC CORPORATION, a)	Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation,)	
)	
Plaintiff,)	
)	
v.)	
)	
FEDERAL INSURANCE COMPANY,)	
an Indiana corporation, and ACE)	
AMERICAN INSURANCE)	
COMPANY, a Pennsylvania)	
corporation,)	
)	
Defendants.)	

**DECLARATION OF ALLEN HINDERAKER IN SUPPORT
OF PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT OF FEDERAL’S
LIABILITY FOR BREACH OF CONTRACT**

I, Allen Hinderaker, declare as follows:

1. I am an attorney with Merchant & Gould P.C. I am one of the attorneys of record for the plaintiff, Fair Isaac Corporation, in the above-captioned matter.

2. I make this declaration on my own information, knowledge, and belief in support of Plaintiff’s Motion for Summary Judgment for of Federal’s Liability For Breach of Contract.

3. Attached hereto as Exhibit 1 is a true and correct copy of a Request for Information by Chubb and Son, a Division of Federal Insurance Company, which was used as Exhibit 143 in the October 24, 2018 deposition of Mr. Russell Schreiber. This document is filed UNDER SEAL.

4. Attached hereto as Exhibit 2 is a true and correct copy of the United States and Securities and Exchange Commission, Form 10-K for The Chubb Corporation, which was used as Exhibit 18 in the August 02, 2018 deposition of Mr. John Taylor.

5. Attached hereto as Exhibit 3 are true and correct copies of Master Service Agreements between Chubb & Son, a division of Federal Insurance Company, and Fair Isaac Corporation, dated June 9, 2006 and September 22, 2009. The June 9, 2006, Master Services Agreement was used as Exhibit 363 in the March 14, 2019 deposition of Mr. Chris Ivey. The September 22, 2009, Master Services Agreement was used as Exhibit 338 in the deposition of Mr. Chris Ivey. This document is filed UNDER SEAL.

6. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from the October 24, 2018 deposition of Mr. Russell Schreiber. This document is filed UNDER SEAL.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Software License and Maintenance Agreement, which was used as Exhibit 110 in the October 24, 2018 deposition of Mr. Russell Schreiber. This document is filed UNDER SEAL.

8. Attached hereto as Exhibit 6 is a true and correct copy of excerpts from the transcript of the January 18, 2019 deposition of Ms. Tamra Pawloski. This document is filed UNDER SEAL.

9. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the transcript of the February 6, 2019 deposition of Ms. Jandeen Boone. This document is filed UNDER SEAL.

10. Attached hereto as Exhibit 8 is a true and correct copy of a June 6, 2006, email communication, between Ms. Jandeen Boone and Mr. James Black, which was used as Exhibit 305 in the February 6, 2019 deposition of Ms. Jandeen Boone. This document is filed UNDER SEAL.

11. Attached hereto as Exhibit 9 is a true and correct copy of a June 26, 2006 email communication between Ms. Jandeen Boone and Mr. James Black, which was used as Exhibit 309 in the February 6, 2019 deposition of Ms. Jandeen Boone. This document is filed UNDER SEAL.

12. Attached hereto as Exhibit 10 is a true and correct copy of a June 27, 2006 email communication between Ms. Jandeen Boone and Mr. James Black, which was used as Exhibit 311 in the February 6, 2019 deposition of Ms. Jandeen Boone. This document is filed UNDER SEAL.

13. Attached hereto as Exhibit 11 is a true and correct copy of excerpts from the transcript of the January 16, 2019 deposition of Mr. William Waid. This document is filed UNDER SEAL.

14. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the transcript of the May 2, 2019 deposition of Mr. William Waid. This document is filed UNDER SEAL.

15. Attached hereto as Exhibit 13 is a true and correct copy of excerpts from the transcript of the July 31, 2018 deposition of Mr. Henry Mirolyuz. This document is filed UNDER SEAL.

16. Attached hereto as Exhibit 14 is a true and correct copy of a May 28, 2009 email communication between Mr. Henry Mirolyuz and Mr. Richard Johnson which was used as Exhibit 182 in the January 11, 2019 deposition of Mr. Henry Mirolyuz. This document is filed UNDER SEAL.

17. Attached hereto as Exhibit 15 is a true and correct copy of a May 26, 2009 email communication between Mr. Henry Mirolyuz and Mr. Richard Johnson which was used as Exhibit 3 in the July 31, 2018 deposition of Mr. Henry Mirolyuz. This document is filed UNDER SEAL.

18. Attached hereto as Exhibit 16 is a true and correct copy of a December 3, 2010 email communication between Mr. Henry Mirolyuz and Mr. Tony Zhang, which was produced as Bates Nos. FED009045_0001-0002. This document is filed UNDER SEAL.

19. Attached hereto as Exhibit 17 is a true and correct copy of a December 6, 2010 email communication between Mr. Henry Mirolyuz and Mr. Tony Zhang, which was produced as Bates Nos. 009046_0001-0002. This document is filed UNDER SEAL.

20. Attached hereto as Exhibit 18 is a true and correct copy of Defendants' Responses to FICO's Second Set of Requests for Admission.

21. Attached hereto as Exhibit 19 is a true and correct copy of Defendants' Verified Second Supplemental Response to Interrogatory Nos. 2-4. This document is filed UNDER SEAL.

22. Attached hereto as Exhibit 20 is a true and correct copy of 2012 emails Chubb Insurance Company of Canada employees, copying an AppCentrica (Chubb

Insurance Company of Canada's third-party vendor) employee, which were produced as Bates Nos. FED003425_0001 and FED003436_0001. This document is filed UNDER SEAL.

23. Attached hereto as Exhibit 21 is a true and correct copy of an October 8, 2013 email communication between Mr. Tony Zhang and Ms. Dali Yang, copying an AppCentrica (Chubb Insurance Company of Canada's third-party vendor) employee, which was produced as Bates No. FED003510_0001. This document is filed UNDER SEAL.

24. Attached hereto as Exhibit 22 is a true and correct copy of the Chubb Arch PLD Project Statement of Work, which was used as Exhibit 16 in the July 31, 2018 deposition of Mr. Henry Mirolyuz. This document is filed UNDER SEAL.

25. Attached hereto as Exhibit 23 is a true and correct copy of 2015 email string between AppCentrica (Chubb Insurance Company of Canada's third-party vendor) and DWS (Chubb Insurance Company of Australia's third-party vendor), which were produced as Bates Nos. FED013809_0001-0003, FED011040_0001-0003 and FED011047_0001-0005. This document is filed UNDER SEAL.

26. Attached hereto as Exhibit 24 is a true and correct copy of a January 7, 2016 email communication between Mr. Martin Sill of DWS (Chubb Insurance Company of Australia's third-party vendor) and Ms. Karen Klugg of AppCentrica (Chubb Insurance Company of Canada's third-party vendor), which was produced as Bates Nos. FED014912_0001-0002. This document is filed UNDER SEAL.

27. Attached here to as Exhibit 25 is a true and correct copy of a letter from Mr. Thomas Carretta to Mr. Joseph Wayland dated January 27, 2016, which was used as Exhibit 90 in the October 9, 2018 deposition of Mr. Thomas Carretta. This document is filed UNDER SEAL.

28. Attached hereto as Exhibit 26 is a true and correct copy of the a January 27, 2016 email communication between Mr. Michael Sawyer and Mr. Elie Merhab, which was used as Exhibit 131 in the October 24, 2018 deposition of Mr. Russell Schreiber. This document is filed UNDER SEAL.

29. Attached hereto as Exhibit 27 is a true and correct copy of a letter from Mr. Thomas Carretta to Mr. Anthony Hopp dated March 30, 2016, which was used as Exhibit 103 in the October 09, 2018 of Mr. Thomas Carretta. This document is filed UNDER SEAL.

30. Attached hereto as Exhibit 28 is a true and correct copy of Defendants' Responses to FICO First Requests for Admissions.

31. Attached hereto as Exhibit 29 is a true and correct copy of a September 2015 presentation regarding Specialty Lines, which was used as Exhibit 149 in the November 13, 2018 deposition of Mr. Ramesh Pandey. This document is filed UNDER SEAL.

32. Attached hereto as Exhibit 30 is a true and correct copy of a January 12, 2016 email communication regarding CUW-IM Support Phase 1, which was produced as Bates Nos: FED016708_0001 and FED16709_0001-0009. This document is filed UNDER SEAL.

33. Attached hereto as Exhibit 31 is a true and correct copy of an April 1, 2016 email communication regarding the CUW-IM Support Phase 2, which was produced as Bates Nos.: FED016932_0001 and FED016933_0001-0018. This document is filed UNDER SEAL.

34. Attached hereto as Exhibit 32 is a true and correct copy of Defendants' verified answers in Defendants' Seventh Supplemental Response to Interrogatory No. 17. This document is filed UNDER SEAL.

35. Attached hereto as Exhibit 33 is a true and correct copy of a March 26, 2015 email communication between Mr. Russell Schreiber and Mr. Andy Moffat, which was used as Exhibit 57 in the September 11, 2018 deposition of Mr. Oliver Clark. This document is filed UNDER SEAL.

36. Attached hereto as Exhibit 34 is a true and correct copy of an August 14, 2012 email communication between Mr. Michael Sawyer and Mr. Russell Schreiber, which was used as Exhibit 47 in the September 11, 2018 deposition of Mr. Oliver Clark. This document is filed UNDER SEAL

37. Attached hereto as Exhibit 35 is a true and correct copy of excerpts from the transcript of the October 2, 2018 deposition of Mr. Michael Sawyer. This document is filed UNDER SEAL

38. Attached hereto as Exhibit 36 is a true and correct copy of excerpts from the transcript of the September 11, 2018 deposition of Mr. Oliver Clark. This document is filed UNDER SEAL.

39. Attached hereto as Exhibit 37 is a true and correct copy of an October 25, 2013 email communication from Mr. Ewen Setti to Mr. Oliver Clark, which was used as Exhibit 51 in the September 11, 2018 deposition of Mr. Oliver Clark. This document is filed UNDER SEAL.

40. Attached hereto as Exhibit 38 is a true and correct copy of excerpts from the transcript of the March 22, 2019 deposition of Mr. Thomas Carretta. This document is filed UNDER SEAL.

41. Attached hereto as Exhibit 39 is a true and correct copy of a June 26, 2008 email communication from Mr. Andrew Millyard to Mr. Russell Hodey, which was used as Exhibit 241 in the January 18, 2019 deposition of Ms. Tamra Pawloski. This document is filed UNDER SEAL.

42. Attached hereto as Exhibit 40 is a true and correct copy of a September 8, 2009 email communication between Mr. Russell Hodey and Mr. Henry Mirolyuz, which was used as Exhibit 4 in the July 31, 2019 deposition of Mr. Henry Mirolyuz. This document is filed UNDER SEAL.

43. Attached hereto as Exhibit 41 is a true and correct copy of a May 21, 2009 email communication between Ms. Tamra Pawloski and Mr. Patrick Sullivan, which was used as Exhibit 242 in the January 18, 2019 deposition of Ms. Tamra Pawloski. This document is filed UNDER SEAL.

44. Attached hereto as Exhibit 42 is a true and correct copy of excerpts from the transcript of the January 11, 2019 deposition of Mr. Henry Mirolyuz. This document is filed UNDER SEAL.

I declare under the penalty of perjury of the laws of the United States that the foregoing is true and correct.

Dated: July 26, 2019

s/Allen Hinderaker
Allen Hinderaker